

Notice of Allowability

Application No.

10/813,385

Examiner

Joseph L. Perrin, Ph.D.

Applicant(s)

DEISS ET AL.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 19 April 2005.
2. ☒ The allowed claim(s) is/are 2-20.
3. ☒ The drawings filed on 19 April 2005 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT & STATEMENT OF REASONS FOR ALLOWANCE

Response to Arguments

1. In response to applicant's response filed 19 April 2005, the status of the application is as follows:

Drawing Objections

In view of applicant's arguments and drawings correction, the objections to the drawings are withdrawn.

Rejection under 35 U.S.C. §112, first paragraph

The rejection of claims 2-3 under 35 U.S.C. §112, first paragraph is withdrawn in view of applicant's arguments overcoming the rejection.

Rejection under 35 U.S.C. §112, second paragraph

The rejection of claims 1-19 under 35 U.S.C. §112, second paragraph is withdrawn in view of applicant's amendment canceling claim 1.

The rejection of claims 1-20 under 35 U.S.C. §112, second paragraph is withdrawn in view of applicant's amendment canceling claim 1 and amending claim 20. Since the phrase "motor area" is intended use and does not positively recite a motor, claim 20 is construed as a housing enclosure capable of containing a motor.

Rejection under 35 U.S.C. §102

In view of applicant's claims as amended, particularly the cancellation of claim 1 and amendment to the dependent claims to depend for claim 20 (indicated as containing allowable subject matter), this rejection is withdrawn.

Allowable Subject Matter

2. The following is an examiner's statement of reasons for allowance: The closest prior art of record, U.S. Patent No. 5,794,634 to Noren *et al.*, fails to teach or reasonably suggest each and every limitation of the instant invention. Specifically, Noren discloses a gas burner heated washing machine. However, the Noren reference fails to teach or suggest the claimed dishwasher having a gas burner in heat-conducting contact with a closed fluid filled tubular heating body programmed for using the gas burner to heat the heating body in a drying mode and heat rinsing liquid in a rinsing mode, which is disclosed as an essential element of claimed invention.

3. For at least the foregoing reasons, the claims are believed to recite patentable subject matter.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

Art Unit: 1746

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph L. Perrin, Ph.D.
Examiner
Art Unit 1746

jlj